

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

July 31, 2003

SUBJECT: Amendment to Detailed Application CPD1999-0002U for Comprehensive Planned Development CPD1995-0002, King Farm

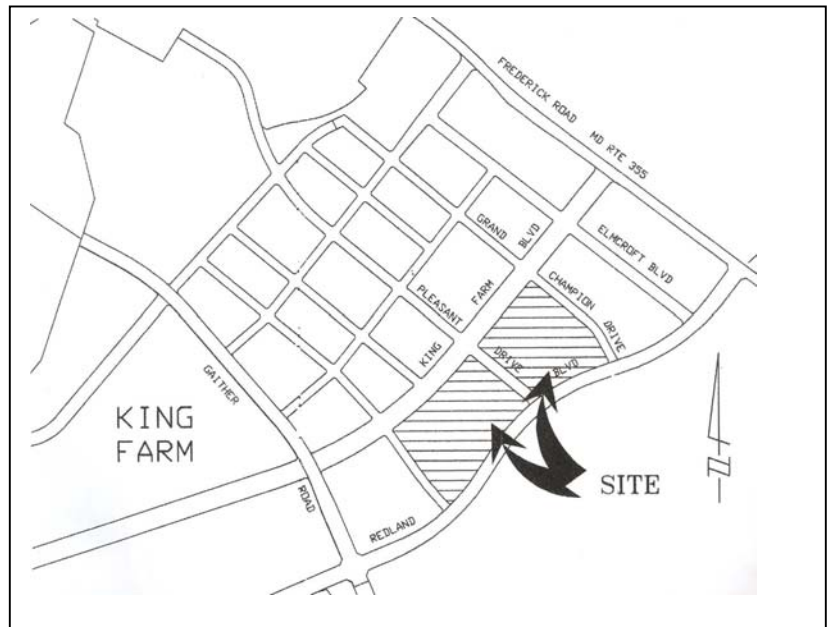
New Case: CPD2003-002U2

Applicant: King Farm Associates
8330 Boone Blvd.
Vienna, VA 22182

Owner: King Farm Associates, LLC

Date Filed: March 28, 2003

Location: A portion of the King Farm development within the Baileys Commons development area, in the general vicinity of King Farm Blvd. and Redland Blvd., commonly referred to as the Village Center.



REQUEST:

The applicant seeks to amend Detailed Application CPD1999-0002U in order to facilitate various changes to the King Farm Village Center. The changes include conversion of 2,750 square feet of an available 10,950 square feet of storage space to assembly and fitness space on the second floor of a retail building, allowing occupancy of two model apartments and increasing the approved parking reduction from 22% to 26% to facilitate the request. Of the total requested, 2,000 square feet will be dedicated to assembly use and 750 square feet will be designated for fitness use for the residents of the Village Center.

PREVIOUS RELATED ACTIONS:

- CPD95-0002, Concept Plan Application for Comprehensive Planned Development approved by Mayor and Council, July 8, 1996.
- CPD96-002A through CPD2000-002AE, Detailed Plan Applications for Comprehensive Planned Development for Phase I, II and III of the King Farm development. The Planning Commission approved all of the applications.
- CPD98-0002U, Detailed Application for Comprehensive Planned Development CPD95-0002. Application was for 137, 797 square feet of retail, and 200 apartments and condominium units.

- CPD1999-002U1, Detailed Application amendment to allocate 4,929 square feet of retail space to office space. Approved by Chief of Planning March 28, 2002.

RELEVANT ISSUES

In reviewing the application, the following issues emerged and have been addressed:

- During approval of the original detailed application, the Planning Commission had stated that they did not want to see any uses on the second floor of this retail building. King Farm has stated that the request is a response from King Farm residents who desire a place for activities that are not suitable for the existing clubhouse. The president of the King Farm Citizen's Association has endorsed the application. In addition, King Farm has stated that the uses are of a lesser intensity, without the parking demand of office or retail uses.
- The original amendment request, as submitted, was for converting a larger amount of the storage space to assembly and fitness. The parking reduction request was also 30%. King Farm has subsequently reduced the amount of assembly and fitness space to a smaller amount, and has also requested a smaller parking reduction, which is now 26%. The new request is reflected within this report.

ANALYSIS

Background

In July of 1996, the Mayor and Council approved Concept Plan Application CPD95-0002, thereby authorizing development of the 430-acre King Farm as a major mixed-use development containing up to 3.2 million square feet of office space, 3,200 housing units and 125,000 square feet of neighborhood retail space. The tract is in the O-3, Restricted Office Zone, where a Comprehensive Planned Development is a voluntary optional method of development.

The Planning Commission approved CPD98-0002U in 1999, which authorized construction of the Village Center. The application included 122, 496 square feet of retail space and 200 residential units in the form of apartments and condos.

Property Description

The subject property is located within the Baileys Commons development area of King Farm, and is referred to as the Village Center. King Farm Boulevard and Redland Boulevard are the predominant road boundaries for the application. The Village Center is comprised of three components. The first component is the commercial area, including a Safeway and smaller ground floor shops and restaurants. The second component is 47 apartment units above three of the retail buildings, with the third component being 153 condo units within nine buildings around the periphery of the Village Center site. There is a Village Green adjacent to King Farm Boulevard that will ultimately be adjacent to a programmed stop along the Corridor Cities Transitway light rail system.

Proposal

The amendment to this detailed application is comprised of three parts:

1. Conversion of 2,750 square feet of an available 10,950 square feet of storage space to assembly and fitness space on the second floor of retail building number 3 near Safeway.
2. Allowing occupancy of two previously unoccupied model apartments.
3. Increasing the approved parking reduction from an existing 22% to a proposed 26%.

The approved detailed application for the Village Center shows vacant storage space above retail building 3 (see attachment). The applicant, at the time of the original detailed application approval, stated that the only reason that the space was shown in this way was for aesthetic reasons, which included architectural balance of the buildings. Behind this building 3 is the Safeway store, and the applicant stated that without extra height and mass of the retail building, there would be a problem with architectural balance between the two buildings (Safeway at two stories, retail at one story). The Planning Commission, while agreeing with the applicant, created a condition of approval during the evaluation of the project to make sure that the space remained storage in perpetuity. The primary reason for the restriction was that the granting of the 22% parking reduction did not allow sufficient parking for a conversion to retail or office uses.

The applicant is now proposing to incorporate 2,000 square feet of assembly space and 750 square feet of fitness space for the sole use of the apartment component of King Farm. The applicant has stated that citizens of King Farm have been requesting a place for activities that are not appropriate for the Community Center, such as arts and crafts.

With respect to the two model apartment units, since they were presented as models, they were not included in the total number of units approved with the original application. Occupying the units would increase the number of approved units, and any increase in the number of units associated with a detailed application is considered a substantial deviation, requiring action by the Planning Commission. These model units are associated with the apartment component of the Village Center, and are located above three of the retail buildings of the Village Center. The applicant feels that model units are no longer necessary, and has requested their inclusion in the overall number of units in order to occupy them.

The third component of this request is to allow an increase to the approved parking reduction from its current 22% to 26% to accommodate the assembly and fitness uses. Section 25-648 of the Zoning Ordinance states that:

(8) "Within the CPD area, the Planning Commission shall have the authority, in the granting of approval of a detailed application, to reduce the required number of spaces by an amount not to exceed thirty (30) percent of the total number of spaces required for nonresidential uses in the building or buildings to be constructed, provided that:

(a) A major point of pedestrian access to such buildings is within a fifteen hundred (1,500) foot walking distance of a transit station shown in the applicable Plan. This reduction shall not be used in conjunction with the reductions permitted for overlapping uses as outlined in Section 25-648(6)

The non-residential portion of this application that this code section pertains to is located within the 1,500- foot requirement, and would allow the uses the applicants have proposed. Parking is divided between the various uses, with the condo component of the residential parking physically divided from the retail parking by gate access. Parking for the apartments is provided in the form of gate access for 31 spaces, 41 on-street spaces, and the balance within the Village Center commercial areas. Parking for the two model units will be provided in the commercial area. The 153-condo units of the Village Center require 260 spaces. Every unit for this complex has been granted two reserved spaces whether in the form of a garage and tandem space or two surface spaces, for a total of 306. The residential parking requirement for King Farm is 1.7 spaces per unit, and it should be noted that the overall residential parking requirement for the Village Center is being met.

It should be noted that no existing parking will be affected by this reduction. There will be no removal or alteration of any spaces as a result of this amendment, nor will any of the parking specifically designated for the condominium component of the plan be affected.

In summary, the total commercial parking required without a reduction is 680 spaces. A total of 529 spaces has been provided, which is reflective of the approved 22% reduction. With a 26% reduction, 503 spaces will be required. The new assembly and fitness uses require 14 spaces (1 per 200 of gross floor area), while the two apartment units require 4 spaces (1.7 per unit), for a total of 18. This added to the 503 spaces is 521 required, with 529 provided. This leaves eight extra spaces. With respect to residential parking, a total of 344 spaces are required, with 379 provided, which exceeds the CPD residential requirement.

STAFF RECOMMENDATION

Approval is recommended, subject to the following conditions:

1. Submission, for approval by the Chief of Planning, of eleven (11) copies of the site plan, revised according to Planning Commission Exhibit A.
2. Submission, for approval by the Department of Public Works (DPW), of any necessary detailed plans, studies and computations:
3. Any other notes indicated on Exhibit A.

TRANSPORTATION

Traffic

In accordance with the transportation improvement plans that were approved during the Concept Plan Phase, some off-site transportation improvements were required. These off-site improvements will be at the cost of the developer, and will come out of the \$1.25 million set-aside during the Concept Phase for these improvements.

In addition to these physical improvements, a Transportation Demand Management Program (TDM) has been implemented that was approved by the Chief of Planning, as required by the Resolution of Approval for King Farm.

Parking

Surface parking provides the parking for this application as outlined within the proposal section of this report.

Pedestrian Access and Bicycle Paths

Pedestrian and bike access will be provided from King Farm Boulevard, Gaither Road and Piccard Drive. Bike access will be provided from the streets as well.

Transit

The City is working with the Applicant and Montgomery County to create the most functional bus transit routes through the community. In addition, there is a programmed transitway stop adjacent to the buildings of Irvington Centre approximately ½ mile to the west of this application that is part of the provided right-of-way of the Corridor Cities Transitway alignment of King Farm Boulevard. Ultimately, this transit stop will be part of the light rail service, but may be used as a bus stop in the interim. This transit stop, as well as the stop near the Village Center, will serve as the focal point of transit services within this development.

As part of the implemented TDM program, King Farm is currently running two shuttle buses through the King Farm development. To date, ridership is high and the shuttle program is popular among the residents.

MODERATELY PRICED DWELLING UNITS (MPDUs)

There are no MPDUs affected by this application.

STORMWATER MANAGEMENT

Existing, approved, stormwater management plans for this area will not be altered or affected by this application.

LANDSCAPING

The approved landscape plan will not be affected by this application.

Forest/Tree Preservation

Forest and tree preservation is being accommodated elsewhere on the King Farm site, as approved by the Concept Plan.

Equipment Screening

All of the electrical transformers for this site are provided underground. All transformers or telecommunications equipment is required by the City of Rockville to be placed underground. If the applicant proposes to place equipment above ground, it must be subject to approval of waiver of the city's underground utility requirements by the City of Rockville Planning Commission.

ART IN PUBLIC PLACES

King Farm has contributed \$4,500 to the Cultural Arts Commission for the fabrication and installation of artwork within the King Farm Park. In addition, King Farm has proposed placing of art within the Terminus Park at the end of King Farm Boulevard.

STAFF COMMENTS

This application is consistent with the approved Concept Plan, and staff recommends approval subject to the conditions listed earlier. Staff finds that the assembly and fitness uses that the applicant has proposed will be of a benefit to the King Farm community and the residents of the Village Center. Staff also believes that since this area is one of the most urban of the King Farm development, the uses that are proposed will not create a substantial increase on the parking burden for this area. It is anticipated that these facilities will be utilized by pedestrians more than automobile traffic.

It is Staff's opinion that occupancy of the two model apartments is appropriate as well. Staff endorses this amendment as meeting the intent of the approved Concept Plan and the accompanying resolution.

NOTIFICATION

Notices were sent to approximately 1,275 residences and businesses.

APPROVAL LIMITATIONS

Section 25-193(d) of the Zoning Ordinance requires that **construction or operation must commence within two (2) years of the date of this decision or application approval shall expire.** If the applicant can show just cause, a maximum of two (2) time extensions may be granted by the Planning Commission, each not to exceed one year. However, time extensions are not automatically approved, and sufficient detail and justification will be required in order for the Planning Commission to consider granting an extension.

CONCLUSION

It is Staff's opinion that this application is consistent with the approved Concept Plan approved by the Mayor and Council for this area of King Farm. As a result, staff recommends approval of Detailed Application amendment CPD2003-002U2.

Attachments